IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19844 of 2004

Between:

K. Satyam, S/o. Rama Murthy,
R/o. Bhimasingi, Vijayanagaram District.

..... PETITIONER

AND

Sri Vijaya Rama Gajapathi Co-operative Sugars Limited, Rep. by its Managing Director Bhimasinghi, Vijayanagaram District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the petitioner is entitled to continue in service till the attainment of 60 years of age and direct the respondent to continue the petitioner in service and allow all consequential benefits to the petitioner

Counsel for the Petitioner: MR.C.H.MURALI KRISHNA (not present)

Counsel for the Respondent : MR.P.R.PRASAD

The Court at the stage of admission made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 19844 of 2004

O R D E R:

None appears for the petitioner on 10.12.2004 and also today.

Heard the learned counsel for the respondent. He contended that as per Rule 28(v) of A.P. Cooperative Societies Rules, 1964 every paid servant and officer of a Society other than those in the last grade service shall retire from service on attaining the age of 58 years. Admittedly the petitioner is working as Supervisor. On the ground that this court in W.P.17549 of 1989 dated 29.9.1991 held that the employees of the cooperative sugar factories are entitled to continue in service till the attainment of 60 years of age, the present writ petition is filed.

Whether the petitioner is a workman or not has to be decided not by this court. What is the nature of duty, whether it is administrative or supervisory or managerial has to be decided after adducing the necessary evidence before the competent forum. As per Rule 28(v) of the Rules, every paid servant and officer of a Society other than those in the last Grade service shall retire from service on attaining the age of 58 years. When there is a specific rule governing the service conditions of the petitioner's retirement, a Mandamus cannot be given directing the respondents to act contrary to the said Rule.

The writ petition is totally devoid of merit and it is dismissed accordingly.

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K.C. Bhanu, J.

Date: 13—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Sri **Bhimasinghi, Managing Director, Sri Vijaya Rama Gajapathi Co-operative Sugars Limited, Vijayanagaram District.**

2.2CD copies